



DEPARTMENT OF HEALTH & HUMAN SERVICES

National Institutes of Health
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Via Email: claire.cassedy@keionline.org

April 15, 2022

Claire Cassedy
Knowledge Ecology International
1621 Connecticut Avenue, NW
Suite 500
Washington, DC 20009

Re: NIH FOIA Case Nos. 47589 & 54015; KEI v. NIH, 20-cv-02927

Dear Ms. Cassedy:

This is a partial response to NIH FOIA request 47589 dated April 16, 2018, submitted to the National Institutes of Health (NIH), which is the subject of the Complaint filed in KEI v. NIH, 20-cv-02927, now pending in the U.S. District Court for the District of Maryland (Southern Division).

Request 47589 seeks correspondence between Dr. Collins and persons representing pharmaceutical or biomedical companies, the trade associations PhRMA or BIO, university technology transfer office, the Foundation for the National Institutes of Health (FNIH), banks or other entities that make investments in biomedical companies for the time period August 17, 2009 to the date of the search. You amended your original request to include Dr. Collins' correspondence containing the following search terms:

1. The Foundation for the NIH (FNIH)
2. Biotechnology Innovation Organization (BIO)
3. The Pharmaceutical Research and Manufacturers of America (PhRMA)
4. Members of the Accelerating Medicines Partnership (AMP), which is a public-private partnership between the National Institutes of Health (NIH), the U.S. Food and Drug Administration (FDA), 12 biopharmaceutical and life science companies and 13 non-profit organizations. The partner organizations are listed here:
 - o <https://www.nih.gov/research-training/accelerating-medicines-partnership-amp>
5. In addition to the AMP companies, these firms:
 - o Gilead
 - o Roche
 - o Genentech
 - o Novartis
6. The Biden Cancer Initiative (including Joe Biden the BCI staff)

7. Individuals

- Charles Sawyer (now at Sloan Kettering)
- Carl Icahn
- Patrick Soon-Shiong

NIH has processed 1,402 pages of potentially responsive records captured in the agency's search. I have determined to release 728 pages to you, with portions redacted pursuant to FOIA Exemptions 4, 5 and 6 (5 U.S.C. § 552 (b)(4), (b)(5), & (b)(6)). Thirty-three pages are withheld in full under Exemption (b)(4), 89 pages are withheld in full under (b)(5) and 552 pages are withheld in full under (b)(4) and (b)(5). The remaining 3 pages have been sent to the White House for further review and return to this office for a final response to you. Also attached to this letter are 14 pages from the March production.

Exemption 4 protects from disclosure trade secrets and commercial or financial information that is privileged and confidential.

Exemption 5 permits the withholding of internal government records which are pre-decisional and contain staff advice, opinion, and recommendations

Exemption 6 permits the withholding of privacy information, the release of which would constitute a clearly unwarranted invasion of personal privacy.

This is also a partial response to your FOIA request #54015 dated April 17, 2020, submitted to the National Institutes of Health (NIH), which is the subject of the Complaint filed in KEI v. NIH, 20-cv-02927, now pending in the U.S. District Court for the District of Maryland (Southern Division).

Request 54015 seeks all records relating to the Accelerating COVID-19 Therapeutic Interventions and Vaccines (ACTIV) partnership. You have amended this request to include seven categories of records:

1. Each of the ACTIV working group meeting reports or minutes
2. Agreements with companies for each ACTIV related clinical trial
3. Emails mentioning "tozinameran" or "Comirnaty" or "BNT162b2"
4. Emails and letters between the NIH and the CEOs or other leaders, of several listed companies
5. Emails and letters between the NIH and certain named persons
6. Contracts related to ACTIV and FNIH
7. Emails between NIH and FNIH

NIH has processed 604 pages of potentially responsive records captured in the agency's search for item 2. I have determined to release 587 pages to you, with portions redacted pursuant to FOIA Exemptions 4 and 6 (5 U.S.C. § 552 (b)(4) & (b)(6)). The remaining 17 pages have been determined to be duplicates and will not be produced.

If you have any questions about this response, please contact Alan Lazerow, of the Department of Justice, at Alan.Lazerow@usdoj.gov.

Sincerely,

for Gorka Garcia-Malene
Freedom of Information Officer, NIH